

COLORADO HEALTH EQUITY PROJECT NEWS



From the Director

Dear Friends: It is thrilling to see how the Colorado Law Health Law program continues to grow and thrive, thanks to the wonderful collaboration and support of students, faculty, and the Law School's outgoing Dean, Phil Weiser. I am writing to you from our nation's capital, where I am completing my



final 6 months in residence as a Robert Wood Johnson Foundation Health Policy Fellow. This experience is preparing me to bring a wealth of health policy-making experience and insight back to

our program in January. From my work in the office of Senator Debbie Stabenow (D-MI) during the lead water contamination crisis, to the opportunity to help with mental health and substance abuse legislation, to participating in the EPA's efforts to protect public health - I hope to enrich our program with what I have learned here in Washington D.C. when I return. As a capstone to all this, I will be working for the Congressional Black Caucus Foundation and the Brookings Institute during the upcoming election season. What a privilege!

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Changing Corporate Culture: CU Boulder Law Welcomes Ethics Expert, John A. Francis

This Spring, the University of Colorado Boulder Law welcomed John Francis onto its faculty. We had the pleasure of speaking to John Francis about the



Ethics and Compliance Masters Program (MSL - Ethics & Compliance) which is being offered by CU Boulder Law beginning this Fall. John has extensive experience in compliance, training personnel and monitoring compliance in healthcare and telecom industries.

What does a Compliance Professional do?

Ethics and compliance professionals encompass a wide array of tasks within an organization, including: comparing organizational practices to regulatory requirements, creating codes of conduct, detecting potential misconduct, running whistleblower programs, *(cont. on next page)*

In the meantime, I extend a special thank-you to Professor Deb Cantrell stepped in as Advisor to Health Law & Policy Certificate students while I am in Washington, D.C. And a warm welcome to John Francis, our newest member of the Colorado Law Health Law faculty. In this issue, you will read about the exciting new Masters program in Health Compliance, that will launch this fall under John's leadership. Also featured here are profiles of some of our newest certificate graduates as well as an amazing story of persistence and triumph by a CHEP student/attorney pair, Mahogany Dodd (2014) and Rachel Entrican, Esq.

“America is shifting from running a sickness system, to a wellness system that emphasizes preventive over reactive care.” *Dayna Matthew*

In this election year, the Affordable Care Act will be under intense scrutiny. Some will celebrate the fact that the ACA has provided access to health care for an additional 20 million Americans. Others will support the "Better Way" plan to repeal and replace the ACA. No matter which view prevails in November, the American health care system is undergoing a fundamental and irreversible transformation. America is shifting from running a sickness system, to a wellness system that emphasizes preventive over reactive care. New payment systems reward value over volume, and performance over participation. We are collecting and using data to improve the health of populations instead of merely reacting to the medical needs of individuals. It is a new day in health care and you will see from some of the stories in this issue, that Colorado Law students will indeed be prepared to meet the challenge.

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conducting internal investigations, working with examiners and other regulatory officials, conducting training, and authoring employee manuals.

“No matter which view prevails in November, the American health care system is undergoing a fundamental and irreversible transformation.”

Compliance personnel watch for internal violations or non-compliant behavior. If there is a violation, they work with lawyers to get the company and personnel into compliance. They work with in-house attorneys to develop compliance policies (e.g. antitrust, privacy, sexual harassment in employment) to help to make sure that companies are in compliance internally rather than being forced to be compliant through government investigations, enforcement actions, or private litigation).

Why an MSL and not a JD? Ethics and compliance work is largely delegated to non-lawyers and there is a growing demand for skilled personnel who understand the need for ethics. A lot of the Compliance Officers in companies in fact have JDs, but a JD is not always necessary for this type of work. Through the CU Boulder Law MSL program, students will learn how to investigate compliance issues and then bring in legal experts as needed. People already in the workforce can take time off for a one-year program that gives them the necessary skills to build robust compliance programs when they return to their jobs. Students interested in ethics and regulatory compliance also now have the opportunity through this program to get a one-year masters which puts them directly in their chosen area of work.

How important is this field? Labor studies demonstrate that there are more jobs for Compliance

“Our goal is to help companies be “the good corporation,” to behave well inherently so that ethical behavior is culturally their first instinct.” *John A. Francis*

Officers than for JDs. The salaries are almost as good as those of young lawyers. Ethics and compliance has been labeled as one of the fastest-growing employment fields in the U.S. economy, with the number of positions growing 27 percent over the last 10 years. We see the greatest employment prospects in the areas of cybersecurity/technology privacy; healthcare, and financial services. The Bureau of Labor Statistics (BLS) predicts steady 4.6% job growth in the ethics and compliance sector from 2012 through 2022. BLS data from May 2014 indicated that the average salary of compliance officers nationwide was \$68,000, with a 25% to 75% quartile range of \$48,230 to \$83,180.

How is the CU Boulder Law MSL structured?

The program begins with an overall compliance curriculum applicable to any company, and then breaks down into focus areas or electives covering specific industries. Francis will be teaching some of the general courses and the Healthcare focus with Dayna Matthew. Students may also focus on privacy/cybersecurity and financial services, both taught by excellent faculty. The Healthcare focus dovetails well with the CU Health Law Program. In the JD program we are teaching lawyers how to be healthcare lawyers. The addition of the MSL now allows non-lawyers to be health compliance officers or personnel for healthcare companies. Some of these classes overlap, allowing MSL students to take courses in the law program.

About John Francis

Before joining Colorado Law, Mr. Francis practiced antitrust, health care, and compliance counseling and litigation at a large Denver firm for more than twenty-five years. In that time he represented both plaintiffs and defendants in all fields of antitrust law across a broad spectrum of industries. He has successfully represented antitrust

clients in dealer termination, price fixing, monopolization, group boycott, price discrimination, and other matters in industries as diverse as rock concert promotion, cable television, newspaper, telephone, beer, cattle feed, insulation, heating and air conditioning, petroleum, retail clothing, paper, carpet, waste disposal, and, most significantly, the hospital and health care industries. In addition to representing health care clients on antitrust matters, however, his related health care practice has included representing hospitals in medical staff, peer review, payment and collections cases, HIPAA and state privacy matters, Medicare, Medicaid, fraud and abuse, and false claims cases. He has spent many years counseling both antitrust and health care clients on the implementation and effective operation of corporate compliance programs.

About the CU Boulder MSL program

[Colorado Law's Master of Studies in Law \(MSL\) degree](#) is a one-year, a 28-credit (no LSAT required) program that enables students who hold at least an undergraduate degree to obtain legal training short of a full Juris Doctor (JD). Two specialty tracks are available: Patent Law or Ethics and Compliance. The MSL in Ethics and Compliance trains students to drive change and promote a culture of ethics within firms and institutions. MSL graduates are prepared to become compliance and ethics officers at either large corporations or nonprofit entities such as colleges, universities, and hospitals; as well as for careers as regulators in federal and state regulatory agencies. Private and nonprofit sector organizations are subject to an increasing number of legal requirements and need trained professionals to lead effective in-house programs to ensure compliance

with statutes and regulations. Ethics and compliance professionals develop, improve, and manage compliance programs and help organizations obey the law, reduce the risk of fraud and other law-breaking and misconduct, and mitigate their firms' legal liability and reputation risk. They also foster a culture of ethics and responsibility within a firm.

Promoting Health Equity through Experiential Learning: Raising a New Generation of Healthcare Lawyers

Students continue to be a crucial component of achieving the goals of healthcare equity through CHEP. During her last semester of law school, **Lauren Concepcion** was looking for a volunteer opportunity to round off her health-focused legal education. Working with Professor Dayna Matthew, she researched Medical-Legal Partnerships (MLPs) specifically potential funding models for MLPs that would provide long-term sustainability for these interdisciplinary programs.

In order to fully understand the nuances of



Lauren Concepcion

experiences provided unique insight into health law

healthcare financing and policy, Lauren interned with two groups during Spring 2016: the Colorado Consumer Health Initiative (CCHI) and Senator Irene Aguilar, M.D., at the Colorado General Assembly. Both

policy and legislation. At CCHI, Lauren was able to attend committee hearings on pending legislation and see firsthand how healthcare advocacy effects change within the legal system. Through Senator Aguilar, Lauren learned about the politics of health law and how to assess the strengths and weaknesses of legislative bills, all while surrounded by the constant excitement of the 2016 legislative session.

Equipped with these experiences, Lauren wrote a policy brief that points out the shortcomings in current popular funding sources, and identifies key sources of federal funds that, if tapped into, would provide long-term, sustainable funding for Colorado MLPs in low-income communities throughout the state. The brief concludes, in part, that MLPs are most likely to succeed by taking advantage of public insurance reform initiatives, such as Medicaid's Delivery System Reform Initiative Program (DSRIP) and the like. Lauren hopes that this work provides a valuable foundation for professionals interested in establishing MLPs in the future – both in Colorado and nationwide.

Originally from Florida, Lauren graduated in May 2016 from the University of Colorado Law School with a Health Law Certificate to augment her hard-earned J.D. She is currently studying for the July 2016 bar exam and seeking opportunities in the health law field.



Andrew Michael

restructuring clinical research operations, community benefit reporting improvement, and

During law school, **Andrew Michael** clerked with, Centura Health, a national firm, and a state district court judge. While working for Centura Health, Andrew assisted with designing Centura's MLP,

other projects focused on improving health outcomes by moving upstream and partnering with patients to address the social determinants of health.

Through his experience at Centura Health, Andrew gained an appreciation for Medical Legal Partnerships as a tool that can mutually benefit patients and providers. For example, in January 2016, Centura Health's MLP was able to facilitate a guardianship for a long-term patient who stayed in the hospital for 273 days. The patient had been ready for discharge 12 days after his admission to the hospital yet could not be discharged until a guardian was in place. Andrew focused on issues relating to regulatory compliance, operations, strategy, and ethics.

Andrew graduated in May of 2016 with a Juris Doctor from the University of Colorado and a certificate in Health Law and Policy. His research interests are in the areas of law, bioethics, preventative care, and corporate responsibility. This fall, Andrew will be starting a full-time position at Centura Health, working in the Office of Research Operations performing functions related to study sponsor contracting, fiscal compliance, ethical oversight, strategic planning, and operational leadership.

Healthcare + Law = Stronger Families: An American Story

By Rachel Ollar Entrican, Esq.

On Friday, September 25, 2015, Jesús G.S. took his Oath of Allegiance and received his certificate of citizenship. It was a moving ceremony, welcoming 31 new citizens from 20 countries, including Albania, Burma, China, Croatia, France, Germany, Egypt, India, Iran, Iraq, Mexico, and South Korea. I was thrilled to see Jesús reach this milestone after months of work to earn his citizenship. Without access to legal assistance through the Colorado Health Equity Project, this would not have happened; and Jesús would not have the protections of U.S. citizenship.

Jesús, the youngest child of Teresa S., was born in northern Mexico. Jesús and Teresa had lived in the



Jesús G.S. and his mother, Teresa S.

United States since Jesús was a young child. Teresa cleaned office buildings for a living until physical disabilities forced her to stop working in her 60s. Jesús was born with a severe form of Down Syndrome. His spoken vocabulary was and is limited to two dozen or so words in his native Spanish (although his comprehension of

spoken Spanish is much greater); and he has had many physical ailments common to people living with Down Syndrome. He is permanently disabled and cannot work, or even live on his own. He and his mother live on Teresa's very modest state-funded Old Age Pension, a program designed to assist Colorado's at-risk, low income seniors; plus food stamps.

Teresa, in her early 70s, had been extremely concerned about what would happen to Jesús if she were no longer able to care for him. Upon her death, her pension would end and Jesús would have no income. Staff at the Salud Family Health Center connected Teresa and Jesús with the Colorado Healthy Equity Project. CU Law student (now alum) Mahogany Dodd and I were assigned their case in 2015. With assistance from Salud's social worker, we met with Jesús and Teresa several times, obtained supporting documentation, and prepared Jesús' immigration petition.

Mahogany did an excellent job throughout her time on the case and mentoring her was a great experience. I have continued my representation of Teresa, to assist her in obtaining U.S. citizenship. CHEP was instrumental in bringing us all together and creating the opportunity to address Jesús and Teresa's health and legal challenges.

For me as an attorney, this has been deeply meaningful work. I spent a number of years in South and Central America as a student, Peace Corps volunteer, and non-profit staff member. Providing pro bono legal services through CHEP was an opportunity to revisit the skills I developed prior to law school and, more importantly, to work with these lovely individuals.



Rachel Ollar Entrican is a litigation attorney at the law firm of Wells, Anderson & Race, LLC. She practices primarily in the areas of employment and constitutional law, construction defect, product liability, and premises liability. Rachel was admitted to the Colorado Bar following her graduation from the University of Colorado Law School in 2007. She is also admitted to practice before the United States Supreme Court, the Tenth Circuit Court of Appeals, and the United States District Court for the District of Colorado. She clerked for the Honorable Morris Hoffman, Denver District Court, from 2007-2008. Rachel was named a Rising Star in Colorado Super Lawyers in 2016. She is a member of the University of Colorado Law School Health Law Advisory Board and provides pro bono legal services through the Colorado Health Equity Project.

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